

United States v. Payton Gendron

22-CR-109-LJV

DEFENDANT'S EXHIBIT A

SUPREME/COUNTY COURT : ERIE COUNTY

THE PEOPLE OF THE STATE OF NEW YORK

against

PAYTON GENDRON

ECDA Legacy No. 00877-2022

IND- 71645-22/001

THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses
PAYTON GENDRON of the following crime:

FIRST COUNT: DOMESTIC ACT OF TERRORISM MOTIVATED BY HATE IN
THE FIRST DEGREE, in violation of Penal Law §490.28, in that the said PAYTON GENDRON,
on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of
the commission of the crime, and with intent to cause the death of, or serious physical injury to, five
or more other persons, caused the death of at least one person, to wit: ROBERTA DRURY, and
caused the death of four or more additional persons, to wit: HEYWARD PATTERSON, PEARL
YOUNG, RUTH WHITFIELD, CELESTINE CHANEY, AARON SALTER, ANDRE MACKNIEL,
MARGUS MORRISON, KATHERINE MASSEY, and GERALDINE TALLEY, none of whom
were participants in the criminal transaction, and the defendant did so in whole or in substantial part
because of the perceived race and/or color of such person or persons regardless of whether that belief
or perception was correct.

SECOND COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by
this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii),
in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being
more than 18 years old at the time of the commission of the crime, and with intent to cause the death
of another person, caused the death of ROBERTA DRURY, who was not a participant in the
criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause

serious physical injury to or the death of an additional person, caused the death of HEYWARD PATTERSON, who was not a participant in the criminal transaction.

THIRD COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of HEYWARD PATTERSON, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of PEARL YOUNG, who was not a participant in the criminal transaction.

FOURTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of PEARL YOUNG, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of RUTH WHITFIELD, who was not a participant in the criminal transaction.

FIFTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death

of another person, caused the death of RUTH WHITFIELD, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of CELESTINE CHANEY, who was not a participant in the criminal transaction.

SIXTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of CELESTINE CHANEY, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of AARON SALTER, who was not a participant in the criminal transaction.

SEVENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of AARON SALTER, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of ANDRE MACKNIEL, who was not a participant in the criminal transaction.

EIGHTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of ANDRE MACKNIEL, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of MARGUS MORRISON, who was not a participant in the criminal transaction.

NINTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of MARGUS MORRISON, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of KATHERINE MASSEY, who was not a participant in the criminal transaction.

TENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of KATHERINE MASSEY, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of GERALDINE TALLEY, who was not a participant in the criminal transaction.

ELEVENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of GERALDINE TALLEY, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of ROBERTA DRURY, who was not a participant in the criminal transaction.

TWELFTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of ROBERTA DRURY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of ROBERTA DRURY, regardless of whether the belief or perception was correct.

THIRTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of HEYWARD PATTERSON, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of HEYWARD PATTERSON, regardless of whether the belief or perception was correct.

FOURTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE,
by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of PEARL YOUNG, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of PEARL YOUNG, regardless of whether the belief or perception was correct.

FIFTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE,
by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of RUTH WHITFIELD, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of RUTH WHITFIELD, regardless of whether the belief or perception was correct.

SIXTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE,
by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of CELESTINE CHANEY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of CELESTINE CHANEY, regardless of whether the belief or perception was correct.

SEVENTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of AARON SALTER, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of AARON SALTER, regardless of whether the belief or perception was correct.

EIGHTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of ANDRE MACKNIEL, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of ANDRE MACKNIEL, regardless of whether the belief or perception was correct.

NINETEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of MARGUS MORRISON, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of MARGUS MORRISON, regardless of whether the belief or perception was correct.

TWENTIETH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of KATHERINE MASSEY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of KATHERINE MASSEY, regardless of whether the belief or perception was correct.

TWENTY-FIRST COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of GERALDINE TALLEY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of GERALDINE TALLEY, regardless of whether the belief or perception was correct.

TWENTY-SECOND COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

ATTEMPTED MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 110.00, 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, attempted to cause the death of ZAIRE GOODMAN, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of ZAIRE GOODMAN, regardless of whether the belief or perception was correct.

TWENTY-THIRD COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:


ATTEMPTED MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 110.00, 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, attempted to cause the death of CHRISTOPHER BRADEN, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of another person, regardless of whether the belief or perception was correct.

TWENTY-FOURTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

ATTEMPTED MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 110.00, 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, attempted to cause the death of JENNIFER WARRINGTON, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of another person, regardless of whether the belief or perception was correct.

TWENTY-FIFTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE, AN ARMED FELONY, in violation of Penal Law §265.03(3), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, knowingly possessed a loaded firearm, to wit: an assault weapon.


JOHN J. FLYNN
DISTRICT ATTORNEY OF ERIE COUNTY

JUN - 1 2022

No. 00877-2022

SUPREME/COUNTY COURT
ERIE COUNTY

4-B Term, 20 22

THE PEOPLE

AGAINST

PAYTON GENDRON

Arraigned the _____ day of _____ 20 ____

Plead _____ Guilty.

Counsel _____

Filed JUN - 1 2022 day of _____ 20 ____

Jenny Fureh

Clerk

INDICTMENT

DOMESTIC ACT OF TERRORISM MOTIVATED BY HATE IN THE FIRST DEGREE, P.L. §490.28

MURDER IN THE FIRST DEGREE, P.L. §125.27(1)(a)(viii) **10 COUNTS**

MURDER IN THE SECOND DEGREE, AS A HATE CRIME, P.L. §§125.25(1), 485.05(1)(b) **10 COUNTS**

ATTEMPTED MURDER IN THE SECOND DEGREE, AS A HATE CRIME, P.L. §§110.00, 125.25(1), 485.05(1)(b) **3 COUNTS**

CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE, AN ARMED FELONY, P.L. §265.03(3)

JOHN J. FLYNN
DISTRICT ATTORNEY

A TRUE BILL

[Signature] Foreperson

United States v. Payton Gendron

22-CR-109-LJV

DEFENDANT'S EXHIBIT B

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STATE OF NEW YORK: COUNTY OF ERIE
ERIE COUNTY COURT: PART 27

THE PEOPLE OF THE STATE OF NEW YORK, **SENTENCING**

-VS- DA LEGACY FILE NO.: 00877-2022
IND FILE NO.: 71645-22/001

PAYTON GENDRON,

Defendant.

25 Delaware Avenue
Buffalo, New York
February 15, 2023

B e f o r e:

HONORABLE SUSAN M. EAGAN,
Erie County Court Judge.

A p p e a r a n c e s:

JOHN J. FLYNN,
Erie County District Attorney,
By JOHN P. FEROLETO, ESQ.,
GARY W. HACKBUSH, ESQ.,
JUSTIN H. CALDWELL, ESQ.,
NOHA A. ELNAKIB, ESQ.,
RYAN D. HAGGERTY, ESQ.,
Assistant Erie County District Attorneys,
Appearing for the People.

BRIAN K. PARKER, ESQ.,
DANIEL J. DUBOIS, ESQ.,
ROBERT J. CUTTING, ESQ.,
Appearing for the Defendant, Payton Gendron.

P r e s e n t:

PAYTON GENDRON, Defendant.

1 THE COURT: Good morning. Welcome to Erie
2 County Court. This is the matter of the People of the
3 State of New York versus Payton Gendron, IND-71645-22/001.

4 Can we have the defendant.

5 (Whereupon, the defendant entered the courtroom.)

6 THE COURT: The record will reflect that the
7 defendant is present in the courtroom in custody, and we
8 are here today for purposes of sentencing. Before we get
9 started, I would like to note for the record that I have
10 received numerous media requests regarding the coverage of
11 this case. I have issued an order allowing for a pool
12 camera to video and audio record this proceeding and
13 livestream the proceeding. Our local CBS news affiliate,
14 WIVB, has been designated as that pool camera. There will
15 also be a designated pool still photographer here from the
16 Buffalo News. Please be advised that no other individuals
17 or entities have been approved, or are permitted to record
18 this proceeding in any way. And I would ask all
19 spectators to silence their cell phones and refrain from
20 using their cell phones during this proceeding.

21 Both the Buffalo News and WIVB are prepared to share
22 the images and footage that they have captured. No
23 photos, video or livestream footage may be taken of those
24 sitting in the gallery. Additionally, not all of the
25 victims that wish to speak here today wish to be on video,

1 and I will identify those individuals to the media, and I
2 would ask that no videos or still photos be taken of those
3 individuals. I trust that you will honor the order of
4 this Court and the wishes of these victims.

5 Additionally, Part 22 on the fourth floor will be
6 available following this proceeding for the press to
7 gather for any statements from the parties. Is counsel
8 ready to proceed in this matter?

9 MR. FEROLETO: Yes, Your Honor.

10 THE COURT: All right. I would just ask that
11 all counsel enter their appearance on the record starting
12 with the People.

13 MR. FEROLETO: Sure. John Feroletto for the
14 People.

15 MR. CALDWELL: Justin Caldwell for the People.

16 MR. HACKBUSH: Gary Hackbush for the People.

17 MS. ELNAKIB: Noha Elnakib for the People.

18 MR. HAGGERTY: Ryan Haggerty for the People.

19 THE COURT: Thank you.

20 MR. CUTTING: Robert Cutting for Payton Gendron.

21 MR. DUBOIS: Dan DuBois on behalf of Mr.
22 Gendron.

23 MR. PARKER: Brian Parker on behalf of Mr
24 Gendron.

25 THE COURT: Thank you. The People have

1 indicated that they are ready to proceed. Is the defense
2 ready to proceed?

3 MR. PARKER: We are.

4 THE COURT: Mr. Feroletto.

5 MR. FEROLETO: Thank you, Your Honor. The
6 People did receive a copy of the presentence investigation
7 report.

8 THE COURT: Can you use the microphone,
9 Mr. Feroletto?

10 MR. FEROLETO: Yes. The People have received a
11 copy of the presentence investigation report. We find no
12 errors or omissions. Today we anticipate that the Court
13 will hear from the following people: On behalf of Aaron
14 Salter, Kimberly Salter. She had previously advised that
15 she did not wish to be video recorded, although I have
16 been informed by our victim advocate that she has changed
17 her mind, and she is okay with her statements being video
18 recorded. On behalf of Celestine Chaney, Wayne Jones. On
19 behalf of Roberta Drury, Leslie VanGiesen. On behalf of
20 Andre Mackniel, Daja Brown and Yvonne Elliot. On behalf
21 of Katherine Massey, Damone Mapps, Demetrius Massey and
22 Adrienne -- I'm sorry, Adrienne Massey and Barbara Mapps.
23 On behalf of Margus Morrison and Pearl Young, Michelle
24 Spight. On behalf of Ruth Whitfield, Simone Crawley and
25 Sasha Crawley. On behalf of Geraldine Talley, Brian

1 Talley and Tamika Harper. On behalf of Jennifer
2 Warrington, Stephanie Waters. On behalf of Zaire Goodman,
3 Zeneta Everhart. And Christopher Braden will speak on his
4 own behalf.

5 After the Court hears from those individuals,
6 Assistant District Attorney Justin Caldwell will address
7 the Court with comments on behalf of the District
8 Attorney's Office.

9 THE COURT: Thank you. So, Mr. Feroletto, given
10 your comments concerning Ms. Salter, to your knowledge,
11 are there any of the victims that will speak today that do
12 not wish to be videotaped?

13 MR. FEROLETO: No, Your Honor.

14 THE COURT: All right. Thank you. And you
15 would ask that they come forward before Mr. Caldwell
16 speaks, is that what you said?

17 MR. FEROLETO: Yes, Your Honor.

18 THE COURT: All right. So, at this time, ladies
19 and gentlemen, any victims that wish to come forward to
20 speak to the Court, you may come forward. And I would ask
21 that you process up to the podium along this side of the
22 courtroom, my right, your left, and that all of the
23 victims remain on this side of the courtroom and not
24 approach from the other side. So, at this time, I would
25 leave it to the DA's Office. Good morning.

1 MS. SALTER: Good morning. My name is Kimberly
2 Salter and I stand here this morning on behalf and with my
3 husband, Aaron Salter. My family and I are here this
4 morning and we wear red and black. Red for the blood that
5 he shed for his family and for his community, and black
6 because we are still grieving.

7 Today I share with you as it is written in God's
8 word. You will reap what you sow, more than you sow,
9 later than you sow. It is your choice. God is loved and
10 he offers love to each and every one of us. It is written
11 in John 3:16: For God so loved the world that he gave his
12 only begotten son, that whosoever believes in him shall
13 not parish but have eternal life.

14 I will also read Psalm 35. The Lord the Avenger of
15 His People, A Psalm of David.

16 Plead my cause O LORD, with those who strive with me;
17 Fight against those who fight against me.
18 Take hold of shield and buckler,
19 And stand up for my help.
20 Also draw out the spear,
21 And stop those who pursue me.
22 Say to my soul,
23 "I am your salvation."

24
25 Let those who put to shame -- let those be put to

1 shame who -- and brought to dishonor
2 Who seek after my life;
3 Let those be turned back and brought to confusion
4 Who plot my hurt.
5 Let them be like chaff before the wind,
6 And let the angel of the LORD chase them.
7 Let their way be dark and slippery,
8 And let the angel of the LORD pursue them.
9 For without cause they have hidden their net for me
10 in a pit,
11 Which they have dug without cause for my life.
12 Let destruction come upon him unexpectedly,
13 And let his net that he has hidden catch himself;
14 Into that very destruction let him fall.
15
16 And my soul shall be joyful in the LORD;
17 It shall rejoice in His salvation.
18 All my bones shall say,
19 "LORD, who is like You,
20 Delivering the poor from him who is too strong for
21 him,
22 Yes, the poor and the needy from him who plunders
23 him?"
24
25 Fierce witnesses rise up;

1 They ask me things that I do not know.
2 They reward me evil for good,
3 To the sorrow of my soul.
4 But as for me, when they were sick,
5 My clothing was sackcloth;
6 I humbled myself with fasting;
7 And my prayer would return to my own heart.
8 I paced about as though he were my friend or brother;
9 I bowed down heavily, as one who mourns for his
10 mother.
11 But in my adversity they rejoiced
12 And gathered together;
13 Attackers gathered against me,
14 And I did not know it;
15 They tore at me and did not cease;
16 With ungodly mockers at feasts
17 They gnashed at me with their teeth.
18
19 Lord, how long will you look on?
20 Rescue me from their destructions,
21 My precious life from the lions.
22 I will give you thanks in the great assembly;
23 I will praise You among many people.
24
25 Let them not rejoice over me who are wrongfully my

1 enemies;

2 Nor let them wink with the eye who hate me without a
3 cause.

4 For they do not speak peace,

5 But they devise deceitful matters

6 Against the quiet ones in the land.

7 They also opened their mouth wide against me,

8 And said, Aha, aha!

9 Our eyes have seen it.

10

11 This you have seen, O Lord;

12 Do not keep silence.

13 O Lord, do not be far from me.

14 Stir up yourself, and awake to my vindication,

15 To my cause, my God and my Lord.

16 Vindicate me, O LORD my God, according to your
17 righteousness;

18 And let them not rejoice over me.

19 Let them not say in their hearts, Ah, so we would
20 have it!

21 Let them not say, we have swallowed him up.

22

23 Let them be ashamed and brought to mutual confusion

24 Who rejoice at my hurt;

25 Let them be clothed with shame and dishonor

1 Who exalt themselves against me.

2

3 Let them shout for joy and be glad,

4 Who favor my righteous cause;

5 And let them say continually,

6 "Let the LORD be magnified,

7 Who has pleasure in the prosperity of His servant."

8 And my tongue shall speak of Your righteousness

9 And of Your praise all day long.

10

11 And so it is. This is the reading from God's word.

12 Thank you.

13 THE COURT: Thank you, Mrs. Salter. I'm very
14 sorry for your loss.

15 MRS. SALTER: Thank you.

16 THE COURT: Good morning.

17 MS. CRAWLEY: Good morning. I'm here on behalf
18 of the grandchildren of Ruth Elizabeth Whitfield:
19 Tiffany, Kaniva, Jasmine, Felicia, myself Simone, Garnell
20 the III and Sasha.

21 Our grandmother -- our grandmother went to buy seeds
22 for her garden on May 14th, 2022. She may not have been
23 able to plant those seeds, but the seeds that she planted
24 throughout her life are abundant. The same way she
25 brought us together on Ridge Street is the same way she

1 brought unity and solidarity to the masses. We fondly
2 remember waking up from our sleepovers to the smell of
3 Sunday dinner while getting ready for church. She was the
4 driving force for our fishing trips and our camping
5 adventures.

6 Our grandmother had a strong and resilient spirit.
7 She will not be present for our milestones, but we stand
8 strong and determined and triumphant in ways that you can
9 never fathom. We find strength in knowing that her legacy
10 will outlive you. You will simply go from a name to a
11 number. You will be herded like cattle. You will be shut
12 away from the world. You will not enjoy family events.
13 You will not enjoy outings with friends. You will be
14 nameless and faceless, and we feel sorry for you. We pity
15 you even.

16 Your life was meaningless before May 14th, 2022, and
17 you woke up every day feeling small. You clearly did not
18 value your own life, which allowed you to devalue the
19 lives of others. Even with all of the heartache that you
20 have caused, you still have failed to break our family
21 spirit. You thought you broke us, but you awoke us. We
22 all know the pure hatred and motivations behind your
23 heinous crime, and we are here to tell you that you
24 failed. We will continue to elevate and be everything
25 that you are not, everything that you hate, and everything

1 that you intended to destroy. Despite our battle scars,
2 we will not -- you will not win the war.

3 We had a praying grandmother who taught us that the
4 battle is not yours, it is the Lords. The global
5 outpouring of support and love not only for our family,
6 but for everyone within the black community has spoken
7 volumes, and it reiterates your failure.

8 You are a cowardly racist. Every single person that
9 has been instrumental in molding you and supporting you
10 and informing you, aiding and supplying weapons needs to
11 be held accountable and not protected as they have been.

12 You recorded the last moments of our loved ones lives
13 to garner support for your hateful cause, but you
14 immortalized them instead. We are extremely aware that
15 you are not a lone wolf, but a pawn of a larger organized
16 network of domestic terrorists. And to that network we
17 say, we as a people are unbreakable.

18 Our dear grandmother -- our dear grandmother, Ruth
19 Elizabeth Whitfield, she taught us the power of love, and
20 even in our darkest hour, we will ensure that her legacy
21 will be that of love.

22 THE COURT: Thank you. I am sorry for your
23 loss. It's not necessary for those who wish to speak to
24 stand waiting for your turn. We will wait for you to
25 approach the podium, so if you would like to take a seat

1 and be more comfortable, you are welcome to do so.

2 MR. WAYNE JONES: Hello, Judge.

3 THE COURT: Good morning.

4 MR. WAYNE JONES: I'm Wayne Jones; the only
5 child of Celestine Chaney. I watched you kill my mom. I
6 watched you on the Internet. I watched you shoot her
7 once, reload, and shoot her again. I just want you to
8 remember that name and what you did. On March 14th, you
9 killed Celestine Chaney and Rita Drury, Andre Mackniel,
10 Kathleen Massey, Markel -- Margus Morrison, Heyward
11 Patterson, Aaron Salter, Geraldine Talley, Ruth Whitfield
12 and Pearl Young. These are the names of the victims you
13 decided to kill that day.

14 Here are some of the names of the lives you've
15 changed forever. Wayne Jones, Sr., Wayne Jones, Jr.,
16 Kayla Jones, Charon Reed, Chayna Jones, Donell Jones,
17 Nasir Jones. You took from us a loving mother, a
18 grandmother, sister, aunt, cousin and friends. Behind
19 your senseless act, we will never have another birthday,
20 another get-together, another celebration, shopping,
21 another call on the phone like we often like to do.

22 While I was writing this, tears fell from my eyes.
23 Think about what a beautiful person you took because of
24 your hate, what you've learned from the Internet. I'm not
25 going to drag this out long.

1 I just want to remember some of the things that -- I
2 want you to remember some of the things that I say to you.
3 I've seen you a couple of times in court, and you look
4 like a young man that could be anybody's son. You don't
5 come across to me as a racist killer, even though that's
6 what you have done. Mistakes, some are big, and some are
7 small. This one here is a real big one that you can't
8 take back. You have to live with this one, bro, just as I
9 have to live with this every day.

10 I don't know what your relationship with your parents
11 are, but I'm a parent and I feel sorry for your parents.
12 You will never get to hug them again, like I won't. You
13 will never get to see your grandparents again. You will
14 never see the outside world again. I don't wish the death
15 penalty on you. I wish they keep you alive so you have to
16 suffer with the thought of what you did for the rest of
17 your life. To me, killing you is the easy way out.

18 One day I hope you find it in your heart to apologize
19 to those ten families who you shattered their lives
20 because of senseless unnecessary business that you had
21 going on with yourself. You have shattered a lot of lives
22 here, sir. I got a child your age. I know it was a
23 mistake. It was a big one, bro. You have to pay for
24 this. Just find it in your heart to apologize to these
25 people, man. I've been there, man. You've been

1 brainwashed. The Internet is the issue. You're only
2 eighteen. Obviously you don't even know black people that
3 much to hate them. You learned this on the Internet and
4 it's a big mistake. I feel sorry for your mother. Your
5 mother, I don't have mine, but your mother, she's dying
6 inside from what you've done. She can't even pick her
7 head up behind some nonsense that you've done, and I hope
8 you find it in your heart to apologize to these people,
9 man. You did wrong for no reason. That's all I got to
10 say.

11 THE COURT: Thank you, Mr. Jones. I'm sorry for
12 your loss. Good morning.

13 MS. LESLIE VANGIESEN: Your Honor, my name is
14 Leslie VanGiesen. I represent Roberta Drury's family. My
15 daughter, Robbie Drury, was a young woman. She was not
16 married. She had no children. She never will. Robbie
17 was our youngest daughter. When people ask how many
18 children do you have, I don't know what to say. Will I
19 ever be able to enjoy August 11th, her birthday? May
20 14th, how will my family ever have a nice thought on a
21 beautiful spring day? How do I look at her Christmas
22 stocking hanging every year.

23 Today when I think of Robbie, I don't think of her
24 like this. I need this picture to remind me. She was a
25 beautiful girl. I think of her alone laying on the

1 pavement for hours. I've never been able to see or touch
2 her after that day. I have been profoundly changed. My
3 life view is -- it's just saddened everything. Robbie's
4 family, my family has been permanently damaged, and there
5 is no punishment that will ever reserve -- reverse our
6 loss. Thank you.

7 THE COURT: Thank you, Ms. VanGiesen. I'm very
8 sorry for your loss. Good morning.

9 MS. TAMIKA HARPER: My name is Tamika. I'm a
10 niece of Geraldine Talley. Our family's aunts are more
11 less our second moms, and that's what you took away from
12 me. You took away my mom, best friend. You destroyed our
13 lives forever. There's not a day that goes by that I
14 don't remember May 14th, and being two minutes sooner, I
15 could have been in that store, and all I think about is
16 could I have saved my aunt, could I have helped her get
17 away from the bullets, or could my mom be suffering more
18 and lose her daughter, her granddaughter and her sister.

19 So, in life everything that happens happens for a
20 reason, and that's good and bad. At eighteen -- at
21 nineteen years-old, I had to bury my first son. But the
22 pain I feel from you taking my aunt from our family will
23 never even compare to burying my own child.

24 This was a horrible crime that you committed, and I
25 hope you do pray for forgiveness because, you know, not

1 forgiving, I'll be blocking my own blessings. So, do I
2 hate you? No. Do I want you to die? No. I want you to
3 stay alive. I want you to think about this every day of
4 your life. Every day of your life think about my family
5 and the other nine families that you destroyed forever,
6 forever. May 14th will never be the same for me. My aunt
7 was my grandchildren's Godmother, and she was taken away
8 on my granddaughter's birthday. My granddaughter will
9 never be able to celebrate her birthday on May 14th. It
10 hurts so bad. It hurts so bad.

11 But I'm gonna pray for you, and I want everyone to
12 just pray for all the families that we can get through
13 this, because right now, almost a year later, I still feel
14 like my life will never be the same ever. It will never
15 be the same.

16 THE COURT: Thank you. I'm sorry for your loss.

17 MS. BARBARA MASSEY: I'm not gonna be nice. My
18 name is Barbara Massey. I'm Katherine Massey's sister.
19 You killed my sister. Kat -- let me tell you about my
20 sister, Kat. Kat weighed a hundred and ten pounds,
21 seventy-two years old. Kat would do anything for anybody
22 at any time. Kat was intelligent. She was a teacher.
23 She was my best friend. She was anything at any given
24 time. Kat was a protector. If Kat saw you, she'd
25 probably go in her pocket and give you some money, even

1 though you didn't need it.

2 Kat was an aunt, she was a great aunt, she was a
3 cousin, she was a friend. Kat said she was a committee of
4 one. There's nothing Kat wouldn't do for people.

5 I want to personally to choke you, to see my fingers
6 on your neck, because it's unnecessary. You live two
7 hundred miles to come to Buffalo, you don't even know any
8 black people. Ninety-five point seven, that's what they
9 said for the census in your town. You don't know an
10 Indian, a Mexican, nobody, and your little punk ass
11 decided to come and kill my sister.

12 I talked to Kat every single day. You don't think
13 Kat had any kids? Kat didn't have any children but she
14 said she had thirty-four thousand; that was the number of
15 kids in school. Kat had so many children, our mind went
16 boom with her own money. There's nothing Kat wouldn't do
17 for anybody. You know what made Kat happy? I was cutting
18 grass that we don't even own. That make my sister happy.
19 That's what I was doing when you killed Kat. I was doing
20 her lawn.

21 I was there eight hours with my family begging the
22 cops, is my sister okay? You blew off her fuckin' back of
23 her head, man. A hundred and ten pounds. Seventy-two
24 years-old. I want -- you better -- thank you all for
25 protecting me because I will hurt you so bad. You have

1 made me sick. You got my family crying. I miss my sister
2 every day. I live three doors down from Kat. I talked to
3 Kat four times a day. My brother, Ward, goes up there and
4 sit in the park where Kat like to be. My son called Kat
5 Triple Black because she was so proud of her heritage. My
6 nephew say Kat was a saint among sinners. My sister,
7 Katherine Massey, was a great person. Kat didn't hurt
8 anybody.

9 You gonna come to our city and decide you don't like
10 black people. Man, you don't know a damn thing about
11 black people. We're human. We like our kids to go to
12 good schools. We love our kids. We'd never go in no
13 neighborhood and take people out.

14 (Whereupon, an outburst occurred in the courtroom.)

15 (Recess in the proceedings.)

16 THE COURT: During this proceeding is an
17 opportunity for those of you who are most affected by this
18 heinous act to address the Court and address the
19 defendant, but I am sure that you are all disturbed by the
20 physicality that we've seen in the courtroom here today,
21 and I understand that emotion, and I understand the anger,
22 but we cannot have that in the courtroom. And I am
23 prepared to give anyone that needs to speak an opportunity
24 to speak, and I know that you need to address some of your
25 comments to the defendant, but we must conduct ourselves

1 appropriately, because we are all better than that.

2 And so we will continue with the proceedings at this
3 time, and anyone that is feeling overwhelmed by their
4 emotions, I would ask that you perhaps step out in the
5 hallway and take a moment to gather yourself. But we are
6 here today to allow you to express yourself and I will
7 allow you to do that, but I need you to stay at the
8 podium. We can bring the defendant in please.

9 (Whereupon the defendant entered the courtroom.)

10 THE COURT: Let the record reflect that the
11 defendant is present in the courtroom, and we are ready to
12 proceed. Good morning.

13 MS. ZENETA EVERHART: Good morning. My name is
14 Zeneta Everhart, and I'm here on behalf of my son, Zaire
15 Goodman. On May 14th, 2022, my son, Zaire Goodman, was at
16 work doing what young people do. He was working at his
17 part-time job and then terror struck. A terrorist shot
18 Zaire point blank in the neck, and the bullet fragments
19 tore through his body and exited his back. He
20 miraculously survived, but his life is now forever
21 changed.

22 Over the last several months, his life has been all
23 about going to the doctor, seeing therapists, and trying
24 to make peace with knowing that someone came into his
25 community and tried to kill him because of the color of

1 his skin. And then questioning why his life was spared,
2 when ten others did not survive. It is an understatement
3 to say that he has survivor's guilt. He is dealing with a
4 pain that I as a mother cannot heal.

5 The ideology to which this terrorist carried out this
6 attack by some is labeled as a sickness or a disease. It
7 is not. Racism, hatred and white supremacy are lifestyles
8 that are chosen. On that day, Zaire chose to get up and
9 go to work, and that terrorist chose to drive a few
10 hundred miles to shoot and kill ten people and seriously
11 injure three others. As humans, we have the ability to
12 decipher right from wrong and make choices accordingly.
13 No matter what choice we make, we have to deal with the
14 consequences of that choice, good, bad or indifferent. On
15 that day, this terrorist made the choice that the value of
16 a black human meant nothing to him.

17 The disregard he has for human life and the
18 callousness to which he carried out this attack on my son
19 and community not only makes him a monster but a coward.
20 Only a weak human takes out their pain on others.

21 The world says you have to forgive in order to move
22 on, but I stand before you today to say that will never
23 happen. Forgiveness to me puts this tragedy in the laps
24 of the victims, and I, nor my son, will accept the
25 responsibility of his terroristic act. This is his and

1 his alone. It is he who will need to ask for forgiveness.

2 As he lay in his cell late at night when he can't
3 sleep, I hope that he is thinking about the ten lives that
4 he stole from us. I want him to think about my son who he
5 shot and the other survivors. I want him to think about
6 the community he tried to destroy. And when the sun comes
7 up, I want him to know that that is Zaire. That is my
8 son, Zaire Mysaun Goodman, showing you that what you did
9 to him hurt but he continues to shine.

10 Whatever the sentence is that he receives, it will
11 never be enough to pay for the damage that he has caused.
12 I hope that he receives the fate that he deserves. Thank
13 you.

14 THE COURT: Thank you.

15 MS. STEPHANIE WATERS: My name is Stephanie. On
16 May 14th at 11:00 a.m., I was on a Zoom with a group I've
17 been in for years called Erase. Our slogan is erasism.
18 We seek through person-to-person communication to
19 eradicate the disease of racism and white supremacy.

20 A few hours after my Zoom ended, I called my sister
21 to visit with her. She answered the phone. She said,
22 Steff, I'm in an ambulance, I've been shot in the head.
23 If I die, please be there for my children. A lot of
24 people have been killed, please ask everyone that we know
25 to pray.

1 I begged her to stay on the phone not knowing if I
2 would ever speak to her again. She hung up and I headed
3 to the airport. It wasn't until I was sitting in the
4 airport in a plane that my nephew called and said, Aunt
5 Steff, it was a white supremacist, he filmed the entire
6 thing on livestream. I groaned and roared and screamed so
7 loudly that the plane was delayed in taking off. I roared
8 in pain for my sister, my beautiful sister, pharmacist who
9 was serving in the east side. I never knew if I would see
10 her again. I was also in pain for my brothers and sisters
11 who do not look like me or like the defendant. I roared
12 in pain because he bought into the lies of this country
13 that somehow because of the amount of a chemical in our
14 skin we are superior. We were not even the first ones
15 here in the US. Okay.

16 Our black and brown brothers and sisters endured
17 centuries, not years, centuries of oppression as they
18 built our buildings and produced our crops by which the
19 foundation of this country was built on. They continue to
20 endure oppression. Even the Harvard lawyer is mistaken
21 continually in the courtroom for the defendant and not
22 the -- not the lawyer. They continue to endure
23 microaggressions. They continue to have their families
24 gunned down simply because of the color of their skin.

25 You heard some of the family members today reading

1 from the Bible, offering forgiveness, offering peace,
2 showing the beauty of their hearts. Yes, you also saw the
3 fury. And for those who serve, you will have to ask
4 people to sit, I ask you to do it with an empathy in your
5 heart and an understanding that for hundreds and hundreds
6 and hundreds of years, we have been looking at our brown
7 brothers and sisters as if they were less than. They are
8 not less than. They deserve our respect, they deserve our
9 radical empathy, they deserve for us to get educated on
10 what we can do to treat them with the respect that they
11 deserve.

12 I'm speaking not only for my sister who served in the
13 east side. My mother's not with me, she's a teacher on
14 the east side, she's teaching today. Our father, my late
15 father who was a cancer research scientist, Masters and a
16 Ph.D, he dedicated his life to serving. For the last
17 thirty years on the east side he ran a mission helping
18 people that deserved to be here that deserve to be helped.

19 So, I ask you, Judge, I wish you could promise that
20 the defendant would never have access to social media for
21 the time that he's alive. I know that's not practical,
22 but I would ask you, the defendant, please, please
23 consider the possibility that you were wrong, and that we
24 are stronger together. Diversity makes us beautiful. If
25 every color in the pallet was the same color, we would

1 have no beauty in anything in this world. Diversity in
2 the body makes us strong. If every finger was a pinky, we
3 couldn't do anything. We are stronger together. A house
4 divided cannot stand. Thank you.

5 THE COURT: Thank you. Good morning.

6 MR. CHRISTOPHER BRADEN: Good morning, Your
7 Honor. Christopher Braden. It has been less than a year
8 since you attacked me and twelve others that day, along
9 with a countless number of Tops' employees, customers and
10 residents of that area.

11 I still remember May 14th, 2022, and everything about
12 it still haunts me. Your actions have completely changed
13 and impacted my life in every aspect. I cannot even begin
14 to describe the feeling of terror I had on that Saturday
15 afternoon when I was attacked by you.

16 I was shot in the leg -- I was shot on the inside of
17 my leg just above my knee, and the bullet exited outside
18 below my knee taking almost everything with it. The
19 injuries I sustained were severe but I remained conscious
20 and coherent the entire time. I, unfortunately, saw a few
21 victims being killed. As I was being taken out of the
22 store after the shooting was over, I saw all the victims
23 where they lay. The visions haunt me in my sleep every
24 night and most days. I cannot get those memories out of
25 my head.

1 Nighttime is the worst for my PTSD. I have night
2 terrors that jerk me awake in the middle of the night and
3 I'm unable to calm back down to go back to sleep. Loud
4 noises never bothered me before but they do now. I'm also
5 on edge and hypervigilant about my surroundings, feeling
6 the need to be always on alert and protect myself.

7 I spent ten days in the hospital, endured four
8 surgeries with two more surgeries to go. My left leg
9 below my knee was nearly lost, had it not been for the
10 excellent work of my surgeons and the entire team at ECMC.
11 It takes me at least fifteen minutes every morning just to
12 get out of bed, because my left leg and foot don't work as
13 they should. Without the brace on my foot, it drags and
14 I'm not able to flex it. I have no feeling from my knee
15 down to my toe. Both of these things are permanent. I
16 just started being able to put my own sock on and shoe.
17 Although some shoes I still have trouble with.

18 I'm frustrated with the things that I haven't been
19 able to do since my injury. I could speak for hours about
20 my injuries and treatment, as well as the permanency of
21 these injuries, the stress of not being able to return to
22 work, the pain I suffered while hospitalized that
23 continues to this day, extensive rehab I have gone
24 through. However, I would rather talk about being a
25 survivor.

1 I'm still the same person that I was before you did
2 this to me. My scars and pain remind me of how strong
3 I've become. I'm more alive and stronger than ever. You
4 haven't taken away my will to live. You haven't broken my
5 spirit. The scars are a constant reminder of what
6 happened to me but don't define my future. Thank you.

7 THE COURT: Thank you, Mr. Braden. Good
8 morning.

9 MR. BRIAN TALLEY: Good morning, Your Honor. My
10 name is Brian Talley. I'm here on behalf of Geraldine
11 Talley and my nephew, Mark Talley. Payton Gendron.
12 Payton Gendron. The reason I mention your name is because
13 so many people have spoke about it, not to say anything,
14 not to mention your name, but you need to be known. You
15 need to be known world-wide.

16 I've done a little history on you too, Payton. I
17 watched the video, you know, and I just can't believe,
18 what can you say? What can you possibly say after putting
19 on a video of killing people? It was like a video game to
20 you. What can you possibly say to anybody? Your words
21 don't mean anything. After this, I'm leaving because I
22 don't want to hear what you have to say. It doesn't make
23 a difference.

24 I'm going to give you a little history lesson. The
25 Willie Lynch Doctrine, the making of a slave, it said you

1 take the biggest, the toughest and the blackest nigger;
2 you take him, you tie a horse to one arm, you tie a horse
3 to the other arm, you tie a horse to one leg, and tie a
4 horse to the other leg, and then you rip him apart in
5 front of every slave to let you know what it is. You did
6 that to us. You came into the biggest part, the strongest
7 part of the black community and you ripped us apart. How
8 can you possibly get any kind of -- how can you possibly
9 stand up here and say that you're sorry, that you're
10 sorry. You were planning this whole thing. You planned
11 it. You put it on a video like it was a video game and
12 watched it. I watched my sister-in-law get shot by you.
13 I watched it.

14 I went into Tops a couple of times, and every time I
15 go in there, only thing plays out in my mind is where you
16 walked, where you shot, what you did, you know. The
17 hatred that you must have in your heart for black people,
18 I will never understand. I don't want to understand it.

19 But I must say this, I pray to God they do not kill
20 you. Because I've been incarcerated, you know, I have,
21 and I know where you're going, and where you're going,
22 solitary confinement for the rest of your life by yourself
23 wearing this color green. That's why I wore green today,
24 because I want you to remember this color. You'll be
25 wearing this color for the rest of your life. I'm praying

1 that you wear this for the rest of your life.

2 I will say this. My nephew didn't come today because
3 of the hate and the pain that he feel, and I don't blame
4 him. I do not blame him because he's still hurting. This
5 whole community is hurting, man. You broke it. You
6 divided this community so much that it's painful. We will
7 never heal from this.

8 Can you imagine, you wake up on a Sunday morning and
9 you're going shopping, and you're going shopping on a
10 graveyard, because that's what Tops is now, it's a
11 graveyard. It is a graveyard. Can you imagine going to
12 buy your groceries at Forest Lawn, right in the middle of
13 Forest Lawn right now? Well, that's what you did. And if
14 you look at the community right now on Jefferson Avenue,
15 after all the hype and everything, nothing has changed.
16 As a matter of fact, it's got even worse. It's got even
17 worse. Stores is closed down. The community is totally
18 devastated and you did this.

19 I pray to God for your soul. I forgive you, but
20 I forgive you not for your sake but for mine and for this
21 black community. I forgive you because that's the only
22 way we gonna heal. But you can best believe, I will never
23 forget your name. I will follow you, every -- your
24 parole, whenever you in court, whatever you're going
25 through, I'm going to follow you. Just like you followed

1 us, just like you sat down and you followed us. I will
2 always remember your face. I will never ever forget you.

3 THE COURT: Thank you, Mr. Talley. Good
4 morning.

5 MS. MICHELLE SPIGHT: Good morning, Your Honor.
6 My name is Michelle. My last name is Spight. I lost an
7 aunt on May 14th and a cousin. What are the chances that
8 two of your family members would be in the same place from
9 two different sides of your family? This is the first
10 time I really had to process this for myself, as I've been
11 an advocate for my families that couldn't be as strong to
12 speak for themselves.

13 The calculated manifesto that you derived, the way
14 that you started on the street that I grew up on. You
15 journeyed down my grandmother's street and then wound up
16 at Tops and killed two of my family members.

17 My cousin, Pamela Young, that was -- Pearl Young was
18 her mother. She was our only daughter. So I stand here
19 to represent James Young, her son, Damon Young, her son,
20 Pamela Young, her daughter, and all of her grandchildren,
21 Oriana, Greg, Nate, and a host of others.

22 I'm going to read Pamela's statement. She could not
23 be here today. It's entitled residency. What will take
24 up residency? Will it be May 14th, 2022, or the court
25 appearance or every interview or every time I've had to

1 send my mother's death certificate to an insurance company
2 with the cause of death being multiple gunshot wounds to
3 the head? You didn't shoot her once, but you turned
4 around and shot her two times. So much so that her -- her
5 viewing could not even be made by her family. I won't --
6 great strength. Some mornings I wake up with questions
7 of, why my mother.

8 I still recall the day I viewed my mother's body for
9 the final time at the funeral home. Her face held no
10 familiar semblance, and I couldn't even get her wedding
11 ring on her finger because so much of her was distorted.
12 I am jealous of my friends and family because they can
13 remember all the beauty of her smile, and I grapple with
14 my final image.

15 But then I think, what has the right to take up
16 residency in my mind? I remember being an eight year-old
17 girl traveling with her to UB as she completed her college
18 degree. The experience of watching her earn her degree
19 and realizing that I could attain one. She was my
20 inspiration. I remember my mother's advice on the day of
21 my marriage, her presence at the birth of all three of my
22 children. There also -- there was also a time nearly
23 fifteen years ago when she lived with me for six months.
24 She needed to recover from a major surgery in a home where
25 she could maneuver around easily. My mother spent those

1 months with me and my husband. We drank coffee together
2 and talked for hours. I was so grateful to be able to
3 care for her as she had done for me throughout my
4 childhood.

5 I vividly recall October 31st, 2019, the night my
6 husband passed away unexpectedly. I arrived at her house
7 full of tears. She brushed my hair as I lay on her lap as
8 if I were a five year-old girl again. I have so many
9 other memories that I've decided to write them in my
10 journal.

11 May 14th will always be a memory of a heinous and
12 monstrous act of violence perpetuated by an angry man
13 against my mother simply because of her race. An act of
14 hatred and white supremacy, but I won't allow it to take
15 up residency in my mind, not when there is so much more
16 about my mother that deserves residency there. So when my
17 mind is invaded by May 14th, 2022, I will allow the tears
18 to fall, and the question of why to utter from my lips,
19 but, afterwards, I'll take out my journal to remember all
20 the precious moments with my mother. Two minutes and
21 three seconds won't steal those memories.

22 But, Payton, I hope you are haunted every day and
23 every night. I hope nightmares invade your sleep and
24 convict -- and conviction be your constant companion. You
25 came to Buffalo with hatred and anger in your heart. You

1 terrorized a community, took the life of my best friend,
2 but your anger and hatred is not greater than my love for
3 my mother. Beautiful thoughts of her are in my mind as I
4 write tonight. I'm reminded of one of my favorite
5 scriptures and it says: Now dear brothers and sisters,
6 one final thing. Fix your thoughts on what is true and
7 honorable and right and pure and lovely and admirable.
8 Think about things that are excellent and worthy of
9 praise. Philippians four and eight. This will take up
10 residency in my mind. Pamela Young Pritchett.

11 And a final reading on behalf of the Morrison family,
12 specifically, Fred Morrison, and his mother who was
13 seventy-two, who on her birthday buried her son. Thanks,
14 Payton for that.

15 Dear sirs, the dreadful afternoon of May 14th was the
16 day my world was turned upside down. My life has been
17 altered in unimaginable ways. The sheer agony I felt
18 waiting at the Makowski School for the confirmation that
19 my brother was one of the victims of this senseless
20 massacre by a white supremacist is riveting.

21 I never imagined my best friend, my only left
22 brother, one who I shared holidays, birthdays, football
23 game days, and most remarkably, our most precious gift we
24 share in our mom. Now, all mom and I have left are a
25 million questions of why, tons of lifeless pictures and a

1 plethora of distant memories and countless tears of
2 insurmountable pain. Thank you for that, Payton.

3 Often times my daily struggle is the feeling of not
4 even wanting to live my life without him. Margus and I
5 were inseparable. Margus was the middle son, the only
6 living brother I had, the one that fiercely protected me
7 and my mother. He was preceded in death by my eldest
8 brother who died suddenly of a heart attack. Now guess
9 what, Payton, I'm reliving the pain of loss all over again
10 on an entire new level.

11 Since his murder, I sometimes find myself challenged
12 by not being able to sleep soundly, paranoia going through
13 stores, and in my daily routine always watching my back as
14 if there was a target attached to me.

15 The added responsibility of being the primary
16 caretaker for our mother who suffered a stroke, in case
17 you were concerned, is losing capacity to speak, I'm now
18 left as the only child and pillow she sheds her tears of
19 missing her baby boy Margus Morrison on. No mother -- no
20 mother should have to bury their child, but my mother
21 buried her son Margus on her seventy-second birthday, and
22 Margus's daughter buried her dad on her sixteenth
23 birthday.

24 I hope you spend the rest of your life, every second,
25 every minute, every hour, rehearsing the daunting sound of

1 the screams and the echos of the lives you snuffed out. I
2 pray that when you blink your eyes, Payton, you close them
3 at night to sleep and you see images of the slain and feel
4 the burning of the sorrow from every family member and
5 friend of the fallen loved ones in our entire community of
6 5/14. I pray that every second and every minute of your
7 twenty-four hours will haunt you as the absence of my
8 brother at every birthday, holiday, game day, family
9 gathering, and all the other times we shared that have now
10 become nothing but gloom and grueling for me and my
11 family.

12 The fact that you can sit in this courtroom with no
13 remorse, flat affect, emotionless, shows the essence of
14 your privilege, sir; one that my brother never had and
15 never will. The fact that you are surrounded by white
16 officers after you casually surrendered while my brother's
17 blood drained from his body is a testament to society that
18 we have a long way to go, as some peoples' blood is just
19 not as important as others. Thus, the reason you lived,
20 and you have the privilege of being protected.

21 Needless to say, there is one, and I must address
22 you, there is one, Payton, that sees all, and you will not
23 escape the fury of the Almighty. One scripture is true in
24 the Bible and that is, vengeance is mine, sayeth the Lord,
25 and he will repay. I pray he's merciful because I too

1 need mercy. So, I pray he is merciful to let you live so
2 that you can be reminded of the innocent blood that my
3 brother shed behind your calculated, sinister, demonic act
4 that caused my beloved brother to be snatched from our
5 family. If you don't know God, Payton, I invite you to
6 find him, because you are going to need him. With deep
7 sorrow, Fred Morrison, brother of Margus Morrison. Thank
8 you, Your Honor.

9 THE COURT: Thank you. Good morning.

10 MS. DEJA BROWN: Good morning. So, I want to
11 start off with saying my dad was Andre Mackniel. He went
12 to that store to get a cake for my little brother, because
13 May 14th is his birthday, my little brother's birthday,
14 and he turned three years-old and he didn't get to
15 celebrate his birthday with his dad because he never came
16 back.

17 So, I was told to write an impact statement. First I
18 was being selfish and I said I wasn't going to do it, but
19 then I remembered I wasn't doing it for this selfish
20 coward, or the courts or the press, but I was doing it for
21 my dad, my best friend who was snatched from this world
22 because of something he couldn't change, the color of his
23 skin.

24 After I lost my Uncle Bay Bay, my dad's brother, I
25 made my dad promise me to stay on top of his health

1 because I didn't want to lose him. And even though we had
2 a separation in life, once we did rekindle we were
3 inseparable. I called him for literally everything,
4 especially when I wasn't getting my way because I knew he
5 would make a way. But most of all, I would be lost
6 without him because I finally found somebody who
7 understood me to a T. We thought a lot alike, and even
8 though he had to be dad before friend, I always respected
9 everything he said.

10 He was so wise, and he made the world easier to live
11 in because he had all the answers to my wild questions.
12 When I was around him, I wanted to know his every move,
13 where he was going, what he was doing, and I made sure I
14 tagged along, and the one time he leaves without me, he
15 doesn't come back.

16 After this happened, I constantly beat myself up
17 about him going, and I'm still pissed off because he
18 wasn't given a chance to fight. He was blindsided. You
19 hit him and he didn't even know he got hit. He was
20 blindsided by a hateful death at the hands of a selfish
21 boy, who was obviously not educated on the history of
22 African Americans. And because of you murdering my dad,
23 I'm pissed and I'm sad, and I hate you. And I didn't
24 think I would be strong enough to look you in the face and
25 tell you this, how much you hurt me and my little brother,

1 who's three years-old and got to grow up without his dad,
2 his brothers, my dad's sister, his nieces, nephews, his
3 grandkids. Our dad, the man who created us, was killed by
4 a little boy who was obviously raised by hateful people,
5 and I hate your parents too so let them know that.

6 And there's nothing in this world, no amount of
7 money, anything anyone can say that will change how I
8 feel. This is the worst way to lose someone so close to
9 you, and I'll never forgive you. And I don't have it in
10 me, because no matter what, it wasn't my time -- it wasn't
11 my dad's time to go. And who are you to think you control
12 that.

13 My father, Andre Mackniel, Sr., his name will live on
14 until the day I die. So you -- I don't know what else to
15 say to you. I just hope you feel bad, I really do. And I
16 hope -- I just hope you go through it in prison. That's
17 all I got to say.

18 THE COURT: Thank you. Good morning.

19 MR. YVONNE ELLIOTT: Hello. I'm Yvonne Elliott,
20 I'm Andre Mackneil's brother. Andre -- me and Andre are
21 eleven months and eight days apart. On the 28th I'll turn
22 fifty-three. On March 8th he'll turn fifty-four.

23 Payton, you took this from me. You took the last of
24 my line. My mother died three days before 9/11. My
25 brother, baby brother died in 2017. My father died in

1 2017. I'm all that's left besides my baby sister. But
2 what I grew up with you took from me, which was my
3 brother. The last, oldest, the only one I had, the only
4 one I could go to.

5 You know, I became homeless and he came and found me
6 and got me, brought me to his house. And shortly thus
7 after that, you know, he planned a party for my nephew and
8 asked me to be here, you know, because of my work and
9 trying to better my life, I didn't make it. But any other
10 thing and any other day that he's in -- Auburn is where he
11 lived. We were born and raised in Buffalo. Yes, we are
12 from Buffalo. Yes, this is our home. So you took a lot
13 from me when you came into Buffalo and you drove past
14 Auburn, you know, because Conklin is not that far.

15 Actually, I don't understand why, you know, you came
16 all the way to Buffalo when there was a million different
17 black communities, but you shouldn't have came anywhere.
18 You should have sat in your car and thought about your
19 actions. As an eighteen year old, I don't know how you
20 can even continue on. I don't know who talked you into
21 it. You know, because I know a lot of eighteen year-old
22 white boys. So you know this, I know a lot of eighteen
23 year-old caucasian little friends of mine, I call them
24 little homies. None of them are racist so I'm confused.
25 Especially the three that I know from Conklin where you're

1 from.

2 So I'm confused on how you got past everybody with
3 your ideology and all this nonsense, that you have all
4 these protectors of you. But so that you know, that
5 they're here now. Where you're going, I've been, and your
6 own kind is going to get you. Just so you know, I've been
7 in that prison, your own kind is going to get you.
8 Everything that you think that you know about prison and
9 whatever they told you is a lie. Trust me. I've been
10 there. You can ask anybody in here to look up my name and
11 they'll find three different New York State ID numbers,
12 which you're about to be. And your own kind is going to
13 get you. They're going to befriend you. They're going to
14 do you real filth. That's the sad part about it.

15 But you took fifty-three years from me. You took the
16 last of my line from me. All that I grew up with, all
17 that I know is gone. All of it. He was all I had left,
18 and you came in here into Buffalo on May 14th and took
19 that from me. Ill never understand why. I don't think
20 anybody will, but you will get what you got coming. You
21 will. That is a promise.

22 As someone has said, ven -- God says vengeance is
23 mine; he'll get you. He will get you for all of us. Do I
24 hate you? No. Do I want to hurt you? Yes. And trust me
25 and believe, these dudes can't stop me really. I'm the

1 littlest thing in here, very agile, but I don't want to
2 hurt you. And I got nine children -- ten children I got
3 to go home to. Andre had five, and he can't even -- they
4 can't even see him anymore. And my nephew, my three
5 year-old nephew, every day he's calling for his father,
6 and he can't -- he's not coming. You know how bad that
7 hurts? You know, it's sad when I got to ignore my
8 nephew's phone calls to tell him that daddy's not coming.
9 It's sad, because that's all he wants to know, and I don't
10 have an answer. But you took a lot from me. You took a
11 lot from my family. But me, the last, I have no mother,
12 no father, no brothers anymore. You know what you took?

13 THE COURT: Thank you.

14 MR. CALDWELL: Your Honor, we had an opportunity
15 to hear from some of the victim's family members. We've
16 spoken about the effect that this heinous, racially
17 motivated act had on them, their family members, their
18 friends and their community. However, there are
19 additional family members you've not heard from today.
20 Some wrote statements and chose not to speak; others could
21 not bear to write a statement and relive one of the most
22 traumatic events of their lives.

23 I would like to speak on behalf of all of those
24 personally affected who chose not to submit a statement,
25 and then I'd like to speak on behalf of the DA's Office.

1 Heyward Patterson's family members did not wish to
2 speak today and did not submit a victim impact letter.
3 Nonetheless, I can assure this Court that their reluctance
4 to speak or write a letter is because of how difficult
5 this process is, which everyone has seen today.

6 Everyone who was in Tops on May 14th of 2022 or knew
7 someone who was killed on that day has experienced trauma
8 that is not easy to speak about. Their absence is not an
9 indication that they don't care about the outcome or that
10 they have simply moved on. In actuality, it's an
11 indication that they're still recovering and learning to
12 cope, and cannot yet bring themselves to confront the
13 defendant or even articulate all of their feelings in a
14 letter.

15 I'd like to focus on the people who were at Tops
16 Supermarket on the day of the attack for a moment. While
17 there are many people who escaped that horrible event
18 alive physically unharmed, they will be scarred
19 emotionally for the rest of their lives. I visited the
20 Tops Supermarket where this all occurred in the aftermath
21 of the incident, and it certainly had an immediate effect
22 on me, and I was only present for a limited amount of
23 time.

24 I can't imagine what the survivor's of this incident
25 were going through during the incident, as they remained

1 hidden and quiet, hoping and praying that the defendant
2 didn't find them and end their lives too.

3 At this time, Your Honor, I'll speak on behalf of the
4 DA's office. On May 14th of 2022, this defendant
5 displayed the callus disregard for human life. He drove
6 over two hundred miles out of his way with one mission,
7 with one goal, to kill as many black people as possible.

8 During that three-hour drive, he could have turned
9 around, but he wouldn't be deterred. He was steadfast to
10 accomplish his goal of killing as many black people as
11 possible and starting a race war. He fed into propaganda
12 and lies that convinced him that somehow these innocent
13 people who he had never heard of, who had never heard of
14 him, who had never had a conversation with him, who had
15 never even met him, were a threat to his very existence
16 and identity as a white man.

17 The defendant executed ten people and wounded three
18 others in slightly over two minutes. The only time he
19 expressed a scintilla of remorse or regret is when he
20 apologized to Christopher Braden, a white man, for
21 shooting him. Any statement of expression or remorse at
22 this point, any tears fall flat in the face of such
23 violent actions. And I wholeheartedly believe that the
24 only other regret that the defendant has is that he didn't
25 kill more black people before he was apprehended by

1 Buffalo Police officers.

2 In fact, the defendant was so sure of his beliefs,
3 which were based on lies and propaganda, that he
4 livestreamed his attack with the goal of inspiring others
5 to commit similar attacks, with the goal of tearing this
6 community down, with the goal of spreading hatred and
7 fear. He failed.

8 This community has pulled together. People of all
9 races, sexual orientations and religions working together
10 to show love and unity for one another. On May 14th of
11 2022, ten beautiful and innocent lives were violently
12 taken from their family, friends and community because the
13 defendant subscribed to hateful ideology. However, their
14 legacy won't be as victims struck down by someone with
15 unfathomable hatred in his heart, but instead, it will be
16 as a beacon of light that has brought love to this
17 community, that made this community stronger, that united
18 people of all races throughout our community and our
19 country.

20 The defendant's legacy on the other hand, will be of
21 a cowardly murderer who killed unarmed citizens. The
22 defendant thought that this would create enough tension to
23 start a race war, that we would turn on each other. He
24 thought that everyone has as much hate in their hearts as
25 he does, but he was wrong, and again he failed.

1 This community showed that they are not as ugly as
2 the defendant's hateful ideology, and instead of choosing
3 violence, they chose love. They showed the world that the
4 love of this community will always be stronger than white
5 supremacist hatred, and hopefully, the defendant will have
6 to live with this failure for the rest of his life in a
7 jail cell while this community continues to flourish.

8 Your Honor, this sentencing is an opportunity to say
9 no to racism, to say no to hate, our chance to hold this
10 defendant accountable and show others that think like the
11 defendant that these acts have no place in our society,
12 and that there will be dire consequences for anyone who
13 tries to follow in his footsteps. I ask Your Honor to do
14 what justice demands, to sentence this defendant to the
15 maximum possible sentence allowable by our laws in New
16 York State, to sentence him to a period of life without
17 parole. Thank you.

18 THE COURT: Thank you, Mr. Caldwell. Have the
19 People had an opportunity to review the pre-sentence
20 investigation, and is there anything you'd like to make a
21 record about with regard to that?

22 MR. FEROLETO: We have had an opportunity to
23 review it. We have nothing to add, Your Honor. Thank
24 you.

25 THE COURT: Anything further from the People?

1 MR. FEROLETO: No, Your Honor.

2 THE COURT: Thank you. Mr. Parker.

3 MR. PARKER: I want to acknowledge that today is
4 what I can only imagine is one of many solemn days in the
5 lives of the survivors and the family members of those who
6 died. Their words are heart-wrenching. Their loss,
7 unimaginable. Only those who have lived it can truly
8 understand their anguish.

9 For the devastation that he caused, Payton Gendron
10 will be sentenced to spend the rest of his life in prison
11 with no possibility of ever being released. Our client
12 committed these terrible crimes. He is responsible for
13 his actions, and he will be held accountable, and he will
14 suffer the consequences for what he did.

15 This case highlights, however, a much deeper problem.
16 This young man's violent hate-fueled assault was in part
17 the product of centuries of pervasive racism and
18 discrimination in this country. These problems need to be
19 addressed, just as many others have publicly demanded
20 since this terrible event took place. Unfortunately,
21 neither this proceeding, nor any criminal trial can expose
22 or address the historical racism that set the stage for
23 our client's horrible acts.

24 We as a community need to have those conversations in
25 our legislative bodies and in our living rooms to achieve

1 meaningful change. We know that some of the families and
2 their lawyers have asked for the information collected by
3 law enforcement during their investigations of this crime.
4 We support that request. We hope the resolution of this
5 case brings the day for that information to be shared
6 closer. The racist hate that motivated this crime was
7 spread through on-line platforms, and the violence that
8 was made possible was in part due to the easy access of
9 assault weapons.

10 Still, our client is responsible for this crime. He
11 will spend the rest of his life locked away and eventually
12 he will die in state prison. We hope that knowing he will
13 never be free again will offer some small bit of comfort
14 to those that he hurt so much.

15 Some of those most affected by his crime have
16 expressed a need to know whether our client is remorseful;
17 remorseful for what he did and the devastation that he
18 caused. We are aware, however, that for others, any
19 expression of remorse would be meaningless, and the very
20 sight of him or the sound of his voice can be painful. At
21 this time he has a brief statement to make. His words are
22 not in any way intended to inflict any further pain on
23 those that have already suffered, and we hope that they do
24 not do so. Thank you.

25 THE COURT: Thank you, Mr. Parker.

1 THE DEFENDANT: I'm very sorry for all the pain
2 I caused the victims and their families to suffer through.
3 I'm very sorry for stealing the lives of your loved ones.
4 I cannot express how much I regret all the decisions I
5 made leading up to my actions on May 14th. I did a
6 terrible thing that day. I shot and killed people because
7 they were black. Looking back now, I can't believe I
8 actually did it. I believed what I read on-line and acted
9 out of hate. I know I can't take it back but I wish I
10 could, and I don't want anyone to be inspired by me and
11 what I did.

12 THE COURT: Has the defense had an opportunity
13 to review the presentence investigation, and is there any
14 record you wish to make with regard to that?

15 MR. PARKER: Judge, we have had a chance to
16 review the presentence report, and we have no comment on
17 it at this point.

18 THE COURT: Is there any further comment the
19 defense wishes to make?

20 MR. PARKER: No. We are ready for sentencing.

21 THE COURT: I would like to thank you all for
22 being here, and thank those of you who have shared your
23 thoughts and feelings with the Court either in writing or
24 in open court here today. It is very meaningful to me,
25 and I believe that it is important for the defendant and

1 the world to hear what you have to say. I am very sorry
2 for your losses and the pain that you feel.

3 I would like to recognize the heroic officers of the
4 Buffalo Police Department, who without hesitation ran
5 towards the danger of an active shooter call, swiftly and
6 professionally stopping and containing the defendant and
7 putting an end to his evil rampage. Thank you.

8 I have spent a lot of time thinking about this case,
9 our community, our nation, how we got here, and where we
10 go from here. It all comes down to character, and having
11 the strength to stand up for what is right. Our character
12 is not defined by the good and easy times. It is defined
13 by the hard and challenging times. And often our
14 character is revealed not necessarily by what we say but
15 by what we do.

16 I am both immensely proud of and grateful for the way
17 Buffalo has rejected the evil and hate that was inflicted
18 on our community. The character of good people throughout
19 this city, county, state, nation, and even
20 internationally, has shown through as they have stood with
21 the victims of this heinous and cruel act.

22 This indictment speaks to the thirteen victims and
23 their families that lost the most, but they are not the
24 only victims. There are thousands that have been
25 traumatized directly and vicariously by this defendant's

1 actions. We have seen the community turn out in support
2 and are seeing signs of much needed change in East
3 Buffalo. It is a testament to the power of love and
4 compassion to overcome evil and hate by turning pain into
5 purpose, but it is just the beginning. We have a long way
6 to go.

7 This hateful act and other similar hateful acts
8 across the country motivated by white supremacy and
9 replacement theory are a reckoning for us as a nation.
10 The ugly truth is that our nation was founded and built in
11 part on white supremacy starting with the treatment of
12 Native Americans by the first European settlers; to the
13 cruel inhumane economic engine, nation-building practice
14 of slavery; to indentured servitude; to Jim Crow Laws; to
15 government policies creating segregated public housing
16 with communities of color often placed in environmentally
17 hazardous locations; to the manner in which expressways
18 were built dividing urban neighborhoods to create easy
19 access to government subsidized developments in the
20 suburbs with restricted covenants prohibiting the sale of
21 suburban homes to African Americans; to redlining
22 practices in communities of color, further devaluing those
23 neighborhoods; to the GI Bill, a well-deserved financial
24 boon to our servicemen, unless of course you were a
25 serviceman of color; to the war on drugs and mass

1 incarceration, disproportionately of men of color; to the
2 school to prison pipeline; to inequities in education,
3 employment opportunities and compensation; to the
4 existence of food deserts and inadequacies in health care.

5 Our history is replete with both individual and
6 systemic discriminatory practices. Many of them still
7 firmly in place today. In fact, it is these very policies
8 and practices that contributed to and made this atrocity
9 possible. The effects of these policies, some current and
10 others decades and centuries old, created the segregation
11 in our city, and enabled this defendant to research and
12 identify his target to maximize the impact of his evil
13 intent. All of these policies and systems, either
14 sponsored or tolerated by the government and implemented
15 by individuals, were designed to destroy the very fabric
16 of family life, opportunities for success, the creation of
17 generational wealth, and even the mere existence of hope
18 in communities of color.

19 The harsh reality is that white supremacy has been an
20 insidious cancer on our society and nation since its
21 inception, and it undermines the notions of a meritocracy
22 and land of opportunity that we hold so dear.

23 However, white supremacy is not inevitable or
24 unstoppable. It has been carefully cultivated and
25 nurtured by individuals and the government for centuries.

1 This is the history that we have all inherited. It
2 has been passed down from generation to generation. We
3 must acknowledge that history, see that history for what
4 it is, recognize it and learn from it, or we are doomed to
5 repeat it. Let ours be the generation to put a stop to
6 it. We can be better. We must do better. Our own
7 humanity requires it.

8 As an individual, we must call out injustice in our
9 daily lives when we see it. We must reject racism in all
10 of its forms. We must be conscious of the power of our
11 words and actions, and the impact they have on those
12 around us both intended and unintended. We must demand
13 better of our public servants in their efforts to address
14 inequity, and we must embrace government policies aimed at
15 creating and fostering diversity, equity and inclusion.

16 We must make the outpouring of support, love and
17 compassion that followed this heinous act an every day
18 practice. We are stronger together. These are hard and
19 challenging times. Our characters are being tested. The
20 future of our nation is at stake. Are we up to the
21 challenge? I believe that we are.

22 In the words of Poet Laureate Amanda Gorman, there is
23 always light, if only we are brave enough to see it. If
24 only we are brave enough to be it.

25 Mr. Gendron, please stand. There is no place for you

1 or your ignorant, hateful and evil ideologies in a
2 civilized society. There can be no mercy for you, no
3 understanding, no second chances. The damage you have
4 caused is too great, and the people you have hurt are too
5 valuable to this community. You will never see the light
6 of day as a free man ever again.

7 It is the judgment of this Court for your conviction
8 under the first count of the indictment, a domestic act of
9 terrorism motivated by hate in the first degree, an A-1
10 felony, that you be sentenced to life imprisonment without
11 parole.

12 Under the second count of the indictment, murder in
13 the first degree for the murder of Roberta Drury, a
14 vibrant thirty-two year-old young woman, a daughter, a
15 dedicated sister and friend, I am imposing a sentence of
16 life imprisonment without parole.

17 Under the third count of the indictment, murder in
18 the first degree for the murder of sixty-seven year-old
19 Heyward Patterson, a son, father and friend, known as a
20 faithful, hard-working, generous, well-dressed man, I am
21 imposing a sentence of life imprisonment without parole.

22 Under the fourth count of the indictment, murder in
23 the first degree for the murder of seventy-seven year-old
24 Pearl Young, a daughter, a mother, grandmother and friend,
25 known for being a loving, dedicated substitute teacher, I

1 am imposing a sentence of life imprisonment without
2 parole.

3 Under the fifth count of the indictment, murder in
4 the first degree, for the murder of eighty-six year old
5 Ruth Whitfield, a daughter, sister, wife, mother and
6 grandmother, a dedicated caretaker, an avid fisher woman,
7 and a valued member of her church community, I am imposing
8 a sentence of life imprisonment without parole.

9 Under the sixth count of the indictment, murder in
10 the first degree for the murder of Celestine Chaney, a
11 daughter, sister, mother, aunt, grandmother and friend, a
12 fighter who at sixty-five had beat cancer and multiple
13 aneurysms, a person who enjoyed life and laughed easily, I
14 am imposing a sentence of life imprisonment without
15 parole.

16 Under the seventh count of the indictment, murder in
17 the first degree for the murder of Aaron Salter, age
18 fifty-five, a son, brother, husband and father, a car guy
19 and a lover of camping, a retired Buffalo Police officer
20 heroic and selfless to the very end, I am imposing a
21 sentence of life imprisonment without parole.

22 Under the eighth count of the indictment, murder in
23 the first degree for the murder of fifty-three year-old
24 Andre Mackniel, a son, brother, uncle, father, and
25 fiancée, devoted Miami Heat fan, survived by a three

1 year-old son, I am imposing a sentence of life
2 imprisonment without parole.

3 Under the ninth count of the indictment, murder in
4 the first degree for the murder of Margus Morrison, age
5 fifty-two, a son, brother, husband and father, he loved
6 music and sneakers, I'm imposing a sentence of life
7 imprisonment without parole.

8 Under the tenth count of the indictment, murder in
9 the first degree for the murder of seventy-two year-old
10 Katherine Massey, Kat, a daughter, sister, aunt and
11 friend, an activist known for her sincerity,
12 thoughtfulness and honesty, I am imposing a sentence of
13 life imprisonment without parole.

14 Under the eleventh count of the indictment, murder in
15 the first degree for the murder of Geraldine Talley, age
16 sixty-two, a daughter, mother and aunt, the life of the
17 party and a top-notch baker, I am imposing a sentence of
18 life imprisonment without parole.

19 By operation of law, the sentences on counts two
20 through eleven must run concurrently with the sentence
21 imposed on the first count. Under the remaining counts of
22 the indictment to which you pled, the law permits me based
23 on your age to consider granting you youthful offender
24 status. The purpose of youthful offender status under the
25 law is to prevent the stigmatization of young offenders

1 based on hasty and thoughtless acts, and to provide them a
2 fresh start and a renewed opportunity to be a law-abiding
3 productive member of society.

4 However, given the manner in which you methodically
5 planned, researched, conducted recognizance and executed
6 your hateful crimes, a finding of youthful offender status
7 is not appropriate. There was nothing hasty or
8 thoughtless about your conduct. There are no mitigating
9 factors to be considered.

10 You will be sentenced as an adult on the remaining
11 counts. Under the twenty-second count of the indictment,
12 attempted murder in the first degree for the attempted
13 murder of twenty year-old Zaire Goodman, a beloved son, a
14 hard-working young man of character, I am imposing the
15 maximum determinate sentence of twenty-five years,
16 followed by five years of post-release supervision. I
17 direct this sentence to run consecutively to all other
18 sentences imposed.

19 Under the twenty-third count of the indictment,
20 attempted murder in the first degree for the attempted
21 murder of fifty-five year-old Christopher Braden, a son,
22 father, husband and friend, a professional serving the
23 needs of the good people of the City of Buffalo, I'm
24 imposing the maximum determinate sentence of twenty-five
25 years followed by five years of post-release supervision.

1 I direct this sentence to run consecutively to all other
2 sentences imposed.

3 Under the twenty-fourth count of the indictment,
4 attempted murder in the first degree for the attempted
5 murder of Jennifer Warrington, age fifty, daughter,
6 mother, wife, friend, a professional serving the needs of
7 the good people of the City of Buffalo, I am imposing the
8 maximum determinate sentence of twenty-five years followed
9 by five years of post-release supervision. I direct this
10 sentence to run consecutively to all other sentences
11 imposed.

12 Under the twenty-fifth count of the indictment,
13 criminal possession of a weapon in the second degree, I am
14 imposing the maximum determinate sentence of fifteen years
15 followed by five years of post-release supervision. I
16 direct this sentence to run consecutively to all other
17 sentences imposed.

18 I am assessing the mandatory surcharge of three
19 hundred dollars, the crime victim assistance fee of
20 twenty-five dollars, and a DNA fee of fifty dollars. You
21 have thirty days to appeal the sentence of this Court.
22 This concludes these proceedings, and the Court will stand
23 in recess.

24
25 * * * * *

1 I, MAUREEN J. DUGGAN, RPR, hereby certify that the
2 foregoing 57 pages are a true and accurate transcription of the
3 stenographic notes taken by me on February 15, 2023.
4
5
6

Maureen J. Duggan

7 MAUREEN J. DUGGAN, RPR
8 Notary Public.
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United States v. Payton Gendron

22-CR-109-LJV

DEFENDANT'S EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO.

v.

PAYTON GENDRON

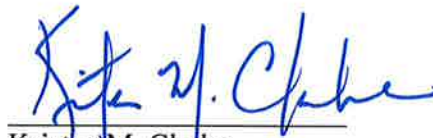
Defendant.

CERTIFICATION OF THE ASSISTANT ATTORNEY GENERAL

I, Kristen M. Clarke, hereby certify that in my judgment, prosecution by the United States of PAYTON GENDRON, for violations of Title 18, United States Code, § 249(a), on May 14, 2022, is in the public interest and is necessary to secure substantial justice. This certification is made pursuant to Title 18, United States Code, § 249(b).

Dated

6/10/22



Kristen M. Clarke
Assistant Attorney General
Civil Rights Division